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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,145	01/27/2004	Joe Morikawa	50R4941.02	1951
7590 11/03/2004			EXAMINER	
John L. Rogitz ROGITZ & ASSOCIATES Suite 3120 750 B Street San Diego, CA 92101			HASAN, MOHAMMED A	
			ART UNIT	PAPER NUMBER
			2873	
DATE MAILED: 11/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/766,145

Applicant(s)

MORIKAWA ET AL.

Examiner

Mohammed Hasan

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5, 12, 16 - 38 is/are rejected.
- 7) ☒ Claim(s) 6 - 11, 13 - 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. Oath and declaration filed on 1/27/2004 is accepted.

Information Disclosure Statement

2. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 6/14/2004 have all been considered and made of record (note the attached copy of form PTO – 1449).

Specification

3. The disclosure is objected to because of the following informalities:
Claim 26, line 1, delete the number "7 ", insert the number - - 17 - -.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, 5, 12 and 38 are rejected under 35 U.S.C 102(b) as being anticipated by Sekine et al (6,313,894 B1).

Regarding claim 1, Sekine et al discloses (refer to figure 3) an image display apparatus comprising: an emissive display having plural pixels, at least one source of (UV) light (e.g., 1 represents a source of UV rays), and a pixel activation mechanism scanning the UV light onto the pixels in response to a demanded image (e.g., the scanner to scan with a UV beam and the liquid crystal panel 4) (column 16, lines 42 – 53).

Regarding claim 2, Sekine et al discloses the display is a large screen display (81) (as shown in figure 4) (column 8, lines 43 – 44).

Regarding claim 5, Sekine et al discloses the display is a liquid crystal display (4)(column 16, line 49).

Regarding claim 12, Sekine et al discloses, where the source is a laser (column 16, lines 43 – 44).

Regarding claim 38, Sekine et al discloses (refer to figure 3) an image apparatus comprising: display means having plural pixels (e.g., liquid crystal panel 4, every panel have plural pixels), at least one source of light (e.g., 1 represents a source of UV light), and pixel activation means scanning the UV light onto the pixels in response to a demanded image (e.g., the scanner to scan with a UV beam and the liquid crystal panel 4) (column 16, lines 42 – 53).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C 103(a) as being unpatentable over Sekine et al (6,313,894 B1) in view of Yamaguchi et al (US 2003/0132699 A1).

Regarding claim 3, as applied to claim 1, Sekine et al discloses all of the claim limitations except a phosphor display device. Yamaguchi discloses use of phosphors for a display device (paragraph 0093). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide phosphorus in to the Sekine liquid crystal display device for the purpose of which enables to keep good emission luminance for a long time as taught by Yamaguchi et al (paragraph 0012).

Regarding claim 4, Yamaguchi et al discloses, the phosphor display operates at atmospheric pressure (paragraph 0098).

Double Patenting

6. Claims 16 – 37 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 16 – 37 of copending Application No. 10/112,837. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Allowable Subject Matter

7. Claims 6 - 11, 13 – 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show the pixel activation mechanism includes at least one grating light valve (GLV) controllable by a processor to establish demand image, plural GLV s controllable by a processor to establish the demand image, each pixel being established by respective red, green, and blue subpixels, at least one light refractive layer covering the pixels and opposed to the substrate, a color selection mask layer juxtaposed with the refracting layer for shielding the blue and green subpixels from the first beam, shielding the red and green subpixels from the second beam, and shielding the red and blue subpixels from the third beam.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Islam et al (6,407,851 B1) discloses micromechanical optical switch.

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH
October 26, 2004



Scott J. Sugarman
Primary Examiner